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| APPLICATION NO.                                                                 | FILING DATE | FIRST NAMED INVENTOR     | ATTORNEY DOCKET NO.        | CONFIRMATION NO. |
|---------------------------------------------------------------------------------|-------------|--------------------------|----------------------------|------------------|
| 10/522,136                                                                      | 08/16/2005  | Aidan Charles Pennington | GB9-2002-0038-US1          | 3998             |
| 49056                                                                           | 7590        | 05/14/2009               |                            |                  |
| LIEBERMAN & BRANDSDORFER, LLC<br>802 STILL CREEK LANE<br>GAITHERSBURG, MD 20878 |             |                          | EXAMINER<br>DEWS, BROOKE J |                  |
|                                                                                 |             |                          | ART UNIT                   | PAPER NUMBER     |
|                                                                                 |             |                          | 2181                       |                  |
|                                                                                 |             |                          | MAIL DATE                  | DELIVERY MODE    |
|                                                                                 |             |                          | 05/14/2009                 | PAPER            |

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

|                               |                        |                           |  |
|-------------------------------|------------------------|---------------------------|--|
| <b>Notice of Allowability</b> | <b>Application No.</b> | <b>Applicant(s)</b>       |  |
|                               | 10/522,136             | PENNINGTON, AIDAN CHARLES |  |
|                               | <b>Examiner</b>        | <b>Art Unit</b>           |  |
|                               | Brooke J. Dews         | 2181                      |  |

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 02/10/2009.
2. ☒ The allowed claim(s) is/are 19-25, 41, and 43-53.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☒ All    b) ☐ Some\*    c) ☐ None    of the:
    1. ☒ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
  - \* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
  - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.

**Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).**
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <ol style="list-style-type: none"> <li>1. <input type="checkbox"/> Notice of References Cited (PTO-892)</li> <li>2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)</li> <li>3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),<br/>Paper No./Mail Date _____</li> <li>4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br/>of Biological Material</li> </ol> | <ol style="list-style-type: none"> <li>5. <input type="checkbox"/> Notice of Informal Patent Application</li> <li>6. <input type="checkbox"/> Interview Summary (PTO-413),<br/>Paper No./Mail Date _____.</li> <li>7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment</li> <li>8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance</li> <li>9. <input type="checkbox"/> Other _____.</li> </ol> |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

/Alford W. Kindred/  
Supervisory Patent Examiner, Art Unit 2181

## **DETAILED ACTION**

### ***Response to Amendment***

1. In light of the amendment filed on 02/10/2009, the application is still pending as regards claims 19-25, 41, and 43-53. Claims 1-18, and 26-40 are cancelled.

## **EXAMINER'S AMENDMENT**

2. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

The application has been amended as follows:

### **In the Claims:**

21. (Currently Amended) The method of claim 19, wherein the step of managing [[a]] the central queue in [[a]] the storage area network includes authorizing a connection handle in response to a call request from an application server to a local queue manager.
23. (Currently Amended) The method of claim 21, wherein the step of managing [[a]] the central queue in said storage area network includes dispensing an object handle by a queue manager local to a requesting server for performance of a service to an object.
25. (Currently Amended) The method of claim 19, wherein the step of managing [[a]] the central queue in [[a]] the storage area network includes preserving data integrity.

Art Unit: 2182

**41.** (Currently Amended) A computer system comprising:

a storage area network controller in communication with an asynchronous message and queue system, the storage area network controller to manage a central queue in a storage area network of said computer system to support the asynchronous message and queue system, said central queue being accessible for all servers in the computer system;

a message request received at said storage area network from a second queue manager local to a second server;

said received message request passed to said storage area network controller;

a message retrieved from said central queue through said controller by a first queue manager local to a first server;

and message data maintained on said central queue on storage media in said storage area network, wherein said message data having a property selected from the group consisting of: non-persistent and persistent, wherein a persistent message is logged and journaled by the queue and a non-persistent message is discarded responsive to queue manager failure.

**42.** Cancelled.

**43.** (Currently Amended) The system of claim 41, further comprising said central ~~message~~ queue to support simultaneous access by a third queue manager local to a third server and said first queue manager

**51.** (Currently Amended) The article of claim 49, wherein the instructions to manage the central queue in the storage area network includes authorizing a connection handle in response to a call request from an application server to a local queue manager.

**53.** (Currently Amended) The article of claim 51, wherein the instructions to manage the central queue in said storage area network includes dispensing an object handle by a queue manager local to a requesting server for performance of a service to an object.

*Corrections Made in the Application*

3. The application has been amended as follows:

**In the Claims:**

The original claims 1-17 have been renumbered as follows:

| <b><u>Original claim numbering</u></b> | <b><u>New claim</u></b> |
|----------------------------------------|-------------------------|
| 19                                     | 1                       |
| 20                                     | 2                       |
| 21                                     | 3                       |
| 22                                     | 4                       |
| 23                                     | 5                       |
| 24                                     | 6                       |
| 25                                     | 7                       |
| 41                                     | 8                       |
| 42                                     | -                       |
| 43                                     | 9                       |
| 44                                     | 10                      |
| 45                                     | 11                      |
| 46                                     | 12                      |
| 47                                     | 13                      |
| 48                                     | 14                      |
| 49                                     | 15                      |
| 50                                     | 16                      |
| 51                                     | 17                      |
| 52                                     | 18                      |
| 53                                     | 19                      |

*Allowable Subject Matter*

4. Claims 19-25, 41, and 43-53 are allowed.

The following is an examiner's statement of reasons for allowance:

The primary reason for allowance of **claim 19** in the instant application is the combination with the inclusion in the claim that there is **“method for communicating in a computer system comprising: a storage area network controller managing a central queue in a storage area network of said computer system supporting an**

Art Unit: 2182

asynchronous messaging and queuing system, said central queue being accessible for all servers; receiving a message request at said storage area network from a second queue manager local to a second server; passing said received message request to a said storage area network controller; retrieving a message from said central queue through said controller by a first queue manager local to a first server; and maintaining message data on said central queue on storage media in said storage area network, wherein said message having a property selected from the a group consisting of: non-persistent and persistent, wherein a persistent message is logged and journaled by the queue and a non-persistent message is discarded responsive to queue manager failure.”

The primary reason for allowance of **claim 41** in the instant application is the combination with the inclusion in the claim that there is “**A computer system comprising: a storage area network controller in communication with an asynchronous message and queue system, the storage area network controller to manage a central queue in a storage area network of said computer system to support the asynchronous message and queue system, said central queue being accessible for all servers in the computer system; a message request received at said storage area network from a second queue manager local to a second server; said received message request passed to said storage area network controller; a message retrieved from said central queue through said controller by a first queue manager local to a first server; and message data maintained on said central queue on storage media in said storage area network, wherein said message data having a property selected from the group consisting of: non-persistent and persistent, wherein a persistent message is logged and journaled by the queue and a non-persistent message is discarded responsive to queue manager failure.**”

The primary reason for allowance of **claim 49** in the instant application is the combination with the inclusion in the claim that there is “**An article for communicating in a computer system, the article comprising: a computer-readable carrier including computer program instructions to manage message data, the instructions comprising: instructions for a storage area network controller to manage a central queue in a storage area network of said computer system to support an asynchronous messaging and queuing system, said central queue being accessible for all servers; instructions to receive a message request at said storage area network from a second queue manager local to a second server; instructions to pass said received message request to said storage area network controller; instructions to retrieve a message from said central queue through said controller by a first queue manager local to a first server; and message data maintained on said central queue on storage media in said storage area network, wherein said message having a property selected from the group consisting of: non- persistent and persistent, wherein a persistent message is logged and journaled by the queue and a non-persistent message is discarded responsive to queue manager failure.**”

5. The prior art of record including the disclosure of George Black et al. (US Patent 5878056), Clark Lubbers et al. (US Publication 2003/0188233) neither anticipates nor renders obvious the above recited combination. Because **claims 20-25, 43-48, and 50-53** depend directly or indirectly on claims 19, 41, or 49 these claims are considered allowable for at least the same reasons noted above.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Conclusion***

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brooke J. Dews whose telephone number is 571-270-1013. The examiner can normally be reached on M-F 6:30-3:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alford Kindred can be reached on (571) 272-4037. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2182

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Alford W. Kindred/  
Supervisory Patent Examiner, Art Unit  
2181

/B. J. D./ 04/23/2009  
Examiner, Art Unit 2181